

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

November 5, 2001

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, November 5, 2001 at 7:00 P.M.

Mayor Jerry Munson, Finance Officer James Preston, and the following Alderpersons were present: Tom Johnson, Alan Hanks, Babe Steinburg, Tom Murphy, Martha Rodriguez, Bill Waugh, Ron Kroeger, Ray Hadley, Rick Kriebel and Mel Dreyer; the following arrived during the course of the meeting: None; and the following were absent: None.

Motion was made by Dreyer, seconded by Hanks and carried to **approve the minutes** of October 15 and October 31, 2001.

Bid Openings

The following bids for Water Reclamation Facility Improvement **Security Fence Installation** Project WRF01-1152 were opened on October 29, 2001:

- | | | |
|----|---|-------------|
| 1. | The Fence Company (No Bond Submitted) | \$43,831.00 |
| 2. | Fence Connection, Inc. (Bond Submitted) | \$47,751.00 |

Staff has reviewed the bids and recommends award to Fence Connection. Motion was made by Steinburg, seconded by Rodriguez and carried to award the bid for WRF01-1152 to Fence Connection, Inc., the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$43,831.

The following bids for Two New Current Model Year Front Mount 72" **Rotary Mowers** for the Parks Division were opened on at 2:30:

| | Base Bid | Base Bid with Trade | Trade-1990 Jacobsen | Trade-1988 Jacobsen |
|--------------------|-------------|---------------------|---------------------|---------------------|
| 1. RDO Equipment | \$39,500.00 | \$29,400.00 | \$6,100.00 | \$4,000.00 |
| 2. North Star Turf | \$27,988.00 | \$26,488.00 | \$ 750.00 | \$ 750.00 |
| 3. Midwest Turf | \$36,022.00 | \$34,022.00 | \$1,000.00 | \$1,000.00 |
| 4. Midwest Turf | \$32,130.00 | \$30,130.00 | \$1,000.00 | \$1,000.00 |

Motion was made by Steinburg, seconded by Rodriguez and carried to refer these bids to the Public Works Committee for review and recommendation.

Mayor's Items

Mayor Munson presented the Citizen of the Month Award to Cameon Jacobson and commended her for outstanding volunteer service to the community.

Alderson Items

Hadley explained that an anonymous donor has agreed to make a sizeable donation to the Humane Society. If the Society can raise \$100,000 by December 31, 2001, the donor will match that amount. Currently they have raised \$81,000 toward this goal. Hadley encouraged the community to support this fund raising drive.

Hanks questioned the status of the City of Presidents project. The last Council action was to allow the next four statutes to be installed and the remainder of the project would be stalled pending the Court's decision. City Attorney Pier explained that a lawsuit has been filed relative to this project and the judge hearing the case has requested that no further statues go up until a decision is rendered or settlement is reached on this issue. No injunction has been filed; the request was made by the Judge as a courtesy. Motion was made by Hanks and seconded by Kriebel to re-affirm the decision of the City Council to allow the four additional statutes to move forward. Pier stated that if the motion passes she anticipates that an injunction will be requested and this will create another step for this lawsuit. The trial on this matter is tentatively scheduled for December 14, 2001. Substitute motion was made by Johnson and seconded by Dreyer to hold on the installation of the next four presidential statues until the conclusion of the litigation pending on this matter. Roll call vote was taken: AYE: Kroeger, Dreyer, Murphy, Hadley and Johnson; NO: Kriebel, Waugh, Steinburg, Hanks and Rodriguez. Munson voted AYE to break the tie and the substitute motion passed, 6-5.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of Dave & Linda Handley dba **Hot Spot Casino**, 420 E. St. Patrick Street, No. 106, for an On-Off Sale Malt Beverage License Transfer (from Mary Jane Freimark). Upon motion made by Hadley, seconded by Steinburg and carried, the Council approved the application.

This was the time set for hearing on the application of Alta-Lee, Inc. dba **Clock Tower Lounge**, 2525 W. main Street, for a Sunday Opening License. Upon motion made by Hadley, seconded by Steinburg and carried, the Council approved the application.

The next item before the Council was a **Public Hearing** on revocation or suspension of On-Sale Liquor License No. RL-5920 held by Ashley Hospitality, Inc. dba **Uptown Grill**, 615 Main Street. Motion was made by Hadley and seconded by Kroeger to continue this item until November 19, 2001. It was noted that this issue can be discussed during the renewal process for the license which will happen within the next 2-4 weeks. Substitute motion was made by Hanks, seconded by Rodriguez and carried to table this item.

Upon motion made by Hadley, seconded by Johnson and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on November 19, 2001:

6. Phatty McGee's, Inc. dba **Phatty McGee's**, 321 Seventh Street, for an On-Sale Liquor License Renewal and Sunday Opening
7. Kurylas, Inc. dba **Imperial Inn**, 125 Main Street, for an On-Sale Liquor License Renewal
8. Alta Lee, Inc. dba **Clock Tower Lounge**, 2525 W. Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
9. **American Legion**, 818 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
10. City of Rapid City dba **Airport Restaurant and Lounge**, RR 2 – Box 6336, Rapid City Regional Airport, for an On-Sale Liquor License Renewal and Sunday Opening
11. Retsel Corp. dba **Cheers/Ramada Inn**, 1721 N. LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
12. Retsel Corp. dba **Ramada Inn Package Store**, 1721 N. LaCrosse Street, for an Off-Sale Liquor License Renewal
13. Rapid City **Elks Club**, Lodge No. 1187, 3333 E. 39th Street, for an On-Sale Liquor License Renewal and Sunday Opening
14. High Plains Securities, Inc. dba **The Reef**, 504 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening

15. Flannery Oil Company dba **Corner Pantry-LaCrosse Street**, 2130 LaCrosse Street, for an Off-Sale Liquor License Renewal
16. RGR, Inc. dba **Hara's**, 2200 N. Maple Avenue, for an On-Sale Liquor License Renewal and Sunday Opening
17. Dan's Super market, Inc. dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Liquor License Renewal
18. **Arrowhead Country Club**, 3675 Sheridan Lake Road, for an On-Sale Liquor License Renewal and Sunday Opening
- 18A. Entertainment, Inc. dba **Robbinsdale Lounge**, 801 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
- 18B. Margaret Jefferson dba **Oasis Lounge**, 711 Main Street, for an On-Sale Liquor License Renewal
- 18C. RC Boston Company LLC dba **Boston's Restaurant & Sports Bar**, 620 E. Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening

Other

Motion was made by Hadley, seconded by Steinburg and carried to authorize consumption of alcoholic beverages at **The Journey Museum**, 222 New York Street, on November 9, 2001 from 6-10 P.M.

Motion was made by Hadley, seconded by Rodriguez and carried to authorize consumption of alcoholic beverages at **The Journey Museum**, 222 New York Street, on December 22, 2001 from 6-11 P.M.

Consent Calendar

The following items were removed from the Consent Calendar:

50. LF103101-07 – Authorize the Mayor and Finance Officer to sign the required petition enabling the vacation of Section Line Right of Way described as Tract A of Tract 1 of W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23 and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22, Less Lot 1 of Bendert Subdivision.
51. LF103101-08 - Find that all feasible and prudent alternatives to the demolition of the garage at 1121 Clark Street in the West Boulevard Historic District have been pursued and that all possible planning to minimize harm to historic property has also taken place.

Motion was made by Hadley, seconded by Rodriguez and carried to approve the following items as they appear on the Consent Calendar:

Set for Hearing (November 19, 2001)

19. No. 01PD054 - A request by Mark A. Fetzer, Inc. for Lakota Community Homes, Inc. for a **Major Amendment to a Planned Unit Development to increase the density and allow for reduced side yard setbacks** on Tract A of Block 3, Lakota Subdivision No. 1, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2430 Gnugnuska Drive.
20. No. 01PD055 - A request by City of Rapid City for a **Planned Development Designation** on Tract A, Meadow View Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Highway 16 and Catron Boulevard.
21. No. 01PD056 - A request by City of Rapid City for a **Planned Development Designation** on that portion of SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying east of U.S. Highway 16 less right-of-way and the 40 foot wide Tucker Street right-of-way all located within Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Highway 16 and Catron Boulevard.

22. No. 01PD057 - A request by City of Rapid City for a **Planned Development Designation** on Lot A of Tucker Subdivision and Tract AR2 of Needles Subdivision all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Highway 16 and Catron Boulevard.
23. No. 01UR055 - A request by Remodel King for Daniel M. Tackett for a **Use On Review to allow a private residential garage in excess of 1000 square feet** on the unplatted part of the NW1/4 SE1/4 NW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3751 Skyline Drive.

Set for Hearing (December 3, 2001)

24. No. 01VR006 - A request by City of Rapid City for a **Vacation of Right of Way** on section line right-of-way located in Tract A of Tract 1 of W1/2 SW1/4 Section 23 and E1/2 SE1/4 Section 22, less Lot 1 of Bender Subdivision, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Golden Eagle Drive and adjacent to Old Marine Life.

Public Works Committee Items

26. No. PW103101-01 – Approve Change Order No. 01 for SS00-1007, Sheridan Lake Road Sanitary Trunk Sewer Extension Project to Mainline Contracting, Inc. for a decrease of \$482.79.
27. No. PW103101-02 – Approve Change Order No. 02 for WRF01-1034C, Water Reclamation Facility – Equipment Procurement – Mechanical Screens for a decrease of \$2,562.00, contingent upon SD DENR review and approval.
28. No. PW103101-03 – Approve Change Order No. 01 for STCM01-1055, Fifth Street PCC Panel Repair Project to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$4,374.80.
29. No. PW103101-04 – Approve Change Order No. 01 for SS98-806, Hawthorne Avenue Street & Utilities Reconstruction Project, Phase I to Heavy Constructors, Inc. for an increase of \$111,636.50.
30. No. PW103101-05 – Authorize staff to advertise for bids for MIP01-1097, Miscellaneous Improvements Project.
31. No. PW103101-06 – Authorize staff to advertise for bids for W01-1104, East Omaha Water Main Extension Project – LaCrosse to Cambell. Second by Murphy.
32. No. PW103101-07 – Authorize staff to advertise for bids for SSW01-1136, Water and Sewer Relocations for SE Connector Project, North Phase.
33. No. PW103101-08 – Authorize the Mayor and Finance Officer to sign a South Dakota Department Of Transportation Letting and Maintenance/Encroachment Agreement for PH-P 0044(122)46 PCEMS 5439, SD 44 Omaha Street from LaCrosse to Cambell Street.
34. No. PW103101-09 – Authorize the Mayor and Finance Officer to sign a Permanent Utility Easement with Rapid Valley Sanitary District & Water Service Company.
35. No. PW103101-10 – Authorize the Mayor and Finance Officer to sign a Temporary Construction Easement with Rapid Valley Sanitary District & Water Service Company.
36. No. PW103101-18 – Authorize the Mayor and Finance Officer to sign a Fee Agreement with Rapid Valley Sanitary District and Water Service Company.
37. No. PW103101-11 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Ferber Engineering Company to Design and Prepare Construction Plan and Technical Specification for ST01-1138, Rushmore Business Park Project, Phase 3 for an amount not to exceed \$55,275.
38. No. PW103101-14 – Approve a Travel Request for James Walraven, GC Superintendent to attend Golf Course Superintendent Association of American 73rd International Golf Course Conference and Show in Orlando, FL, February 3 – 10, 2002 in the amount of \$1,835.90.
39. No. PW103101-15 – Approve a Resolution Establishing Fees for Grave Spaces and Cemetery Services for 2002.

RESOLUTION ESTABLISHING FEES FOR GRAVE SPACES AND CEMETERY SERVICES

BE IT RESOLVED by the City Council of the City of Rapid City that the following rates are hereby established from and after January 1, 2002.

Opening and Closing Costs:

| | |
|---|----------|
| Infant or Small Grave | \$170.00 |
| Over-sized Infant | \$345.00 |
| Adult or regular Grave | \$460.00 |
| Cremain Grave | \$170.00 |
| Surcharge for Saturday Opening or Closing | \$130.00 |
| Monument Setting Fee | \$ 25.00 |

Disinterment

Within Cemetery: Three times regular opening and closing cost.
Removal from Cemetery: Twice regular opening and closing cost.

Grave Space Costs:

| | <u>Pre-Need</u> | <u>As-Need</u> |
|--------------------|-----------------|----------------|
| Single Adult Grave | \$430.00 | \$460.00 |
| Double Stack Grave | \$535.00 | \$575.00 |
| Cremain Grave | \$215.00 | \$230.00 |
| Infant Grave | \$170.00 | \$170.00 |
| Over-sized Infant | \$345.00 | \$345.00 |

Dated this 5th day of November, 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 40. No. PW103101-17 – Approve the purchase of one (1) 2002 Chevy Express Cargo Van for the Street Division from Beck Motors for a total purchase price of \$16,871 under State Contract #13382.
- 41. Approve the purchase of Magnesium Chloride for the Street Division under State Contract No. 21152 for the unit price of \$0.539 per gallon as submitted by Envirotech Services, Inc. through local supplier Z & S Dust Control, who agrees to honor unit price.
- 42. No. 01VE016 – Approve with stipulations a Vacation of Drainage Easement for Lyle Henriksen located at 1950 Deadwood Avenue.

RESOLUTION OF VACATION OF DRAINAGE EASEMENT

WHEREAS it appears that the drainage easement located on Lot 2 of Randall Subdivison, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, as shown on the attached exhibit, is not needed for public purposes; and

WHEREAS the owner of said property desires said drainage easment to be vacated and released.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the drainage easement heretofore described, and as shown on Exhibit A attached hereto, be and the same is hereby vacated.

Dated this 5th day of November, 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 43. Approve the request of Mike Lewis for a thirty foot curb cut on Lot 1, Block 1 of Stoney Creek Subdivision.

Legal & Finance Committee

- 44. LF103101-01 - Approve Travel Request for Annual Department Meeting at the Civic Center in the amount of \$500.
- 45. LF103101-02 - Authorize Mayor and Finance Officer to sign Addendum Agreement with ICAD, Inc.
- 46. LF103101-03 - Approve request to accept grant award for COPS Grant (matching funds in 2002 budget).
- 47. LF103101-04 - Authorize staff to apply for and accept grant money from The Homeland Defense Program (up to \$100,000).
- 48. LF103101-20 - Approve Travel Request for Dan Goodart to attend CAMEO classes in Baltimore, MD, from December 8-14, 2001, in the sum of \$1,530.50.
- 49. LF103101-05 - Authorize staff to apply for and accept grant money from the Bill and Melinda Gates Foundation for computer work stations and server.
- 52. LF103101-19 - Authorize the purchase of a Dodge Durango from Wegner Auto Co. Inc. on State Bid No. 13387 in the amount of \$26,440.
- 53. LF103101-18 - Approve Weed & Seed - year 2 contract for Independent Contractor - Institute for Educational Leadership & Participation Chiesman Foundation for Democracy - \$10,640 in 4 payments throughout the grant year October 2001-September 2002.
- 54. LF103101-09 - Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale, transfer to other government agency, or trade-in on new equipment:

Solid Waste Division

- DFI 5861 PC FT File Server, Inv. No. 18280
- HP C1528J4/8GB DAT Surestore 8I Tape Drive, Inv. No. 15591
- APC Smart-UPS 1000 Battery Backup, Inv. No. 18277

Parks Department

- 1988 Jacobsen 72" Tractor Model T4220, Inv. No. 10992
- 1990 Jacobsen 72" Tractor Model T4220, Inv. No. 13775

Engineering Division

- Blueprint Machine, Inv. No. 10781

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 5th day of November, 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 55. Direct staff to put additional electrical capability in Canyon Lake Park (one 150-amp pedestal in the middle area) at an approximate cost of \$10,000, funding to come from the CIP Contingency Fund.
- 56. Authorize retention of Ketel Thorstenson, LLP, CPA's to perform audit of the City of Rapid City for the year ended December 31, 2001, at a cost not to exceed \$26,500. (A separate fee estimated at \$5-10,000 will be negotiated for audit work in connection with implementation of GASB 34. This would be a one-time fee for each implementation phase and would not be included in ongoing fees.)
- 57. LF103101-14 - Authorize Mayor and Finance Officer to sign Memorandum of Understanding between Joseph M. Lytle and Winona M. Lytle, South Dakota Department of Transportation and City of Rapid City (this Agreement was approved for signature on July 16, 2001, but modifications were made thereafter and an Agreement signed. The Agreement as amended needs to be approved by Council.)
- 58. LF103101-15 - Approve Resolution to Amend the City of Rapid City Healthcare Benefit Plan.

RESOLUTION TO AMEND
THE CITY OF RAPID CITY HEALTHCARE BENEFIT PLAN
PLAN AMENDMENT NO. 17

The City of Rapid City hereby amends its Healthcare Plan adopted July 1, 1990, restated April 1, 2000, with such amendment being effective November 1, 2001 at 12:01 a.m. standard time.

The Plan shall be amended as follows:

The last paragraph of Section 2.01 "Participant Eligibility" shall be replaced with the following language:

This Plan also covers the Golf Pro, and his/her eligible dependents, who is an independent contractor with the Employer and whose coverage is required by contract with the Employer.

The balance of Section 2.01 shall remain as previously adopted.

Dated this 5th day of November, 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 59. Approve establishment of the Position of Apprentice HVAC Technician (AFSCME Union Wage Scale).
- 60. Approve the following licenses: Commercial Refuse Collector: Dan Wild, Midwest Disposal Co.; Mechanical Apprentice: Jeff Falk; Plumber: Timothy L. Saylor; Plumbing

Apprentice: Rob Evans, Dan McGlothlen, Abdellah Mzala; Residential Contractor: All Phases, William Lipp; Black Hills Home Repair, James Robert Stephenson; Feters Construction, Shad Feters; Keller Construction, Mike Keller; L & P Construction, Leslie R. Riss; Mills Construction, Jerry Mills; S & K Construction, Clyde Scott and Myrna Kay Smallwood; Steve's Remodeling & Construction, Stephen R. Pratt; T-M Concrete Construction, Inc., Chad Meyers; Security Business: Highlander Security, LLC, James Lloyd Hansen; Journeyman Sewer & Water Installer: William Bradford; Trenching Journeyman: Troy Bockelmann, Terry Hefta; Trenching Contractor: Kaski Homes, Keith Sarkinen.

61. LF103101-17 - Approve appointment of Bill Waugh to the Drinking Water Protection Committee.

End of Consent Calendar

Motion was made by Johnson, seconded by Hanks and carried to approve No. LF103101-07 and authorize the Mayor and Finance Officer to sign the required petition enabling the vacation of Section Line Right of Way described as Tract A of Tract 1 of W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23 and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22, Less Lot 1 of Bendert Subdivision.

Motion was made by Hanks and seconded by Steinburg to find that all feasible and prudent alternatives to the demolition of the garage at 1121 Clark Street in the West Boulevard Historic District have been pursued and that all possible planning to minimize harm to historic property has also taken place (No. LF103101-08). Bill Lass from the Planning Department gave a history of this property and the reasons for the request. Upon vote being taken, the motion carried unanimously.

Public Hearings

The next item before the Council was a request by **Western Wireless Corporation** to enter into a lease of property. Motion was made by Hadley, seconded by Hanks and carried to approve the request.

The Mayor announced that the meeting was open for consideration of No. CC110501-01, a Resolution Levying Assessment for **Cleanup of Miscellaneous Properties**. Notices were mailed to affected property owners on October 2, 2001 and published in the Rapid City Journal on October 29, 2001. Preston requested that the Assessment Roll be amended by deleting Lisa LeBlanc. There were issues with notice being received because of a change of address. LeBlanc is now aware of the charges and has agreed to pay the outstanding bill. The following Resolution was introduced, read and Hadley moved its adoption, as amended:

RESOLUTION LEVYING ASSESSMENT FOR CLEANUP OF MISCELLANEOUS PROPERTIES

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property clean-up is the amount stated in the proposed assessment roll.
2. The assessment roll for Miscellaneous Property Cleanup is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the

South Dakota Compiled Laws of 1967, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 5th day of November, 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Johnson. The following voted AYE; Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor announced the meeting was open for consideration of No. CC110501-02 a Resolution Levying Assessment for **Block 5 Alley Paving Project** ST00-993. Notices were mailed to affected property owners on October 4, 2001 and published in the Rapid City Journal on October 29, 2001. No oral or written comments were submitted. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
BLOCK 5 ALLEY PAVING (SCHNASSE ADDITION) PROJECT ST00-993

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the alley paving project is the amount stated in the proposed assessment roll.
2. The assessment roll for Block 5 Alley Paving (Schnasse Addition) Project ST00-993 is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 5th day of November, 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Johnson. The following voted AYE; Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor announced the meeting was open for consideration of No. CC110501-03, a Resolution Levying Assessment for **Sidewalk Improvement Project** SWK01-1096. Notices were mailed to affected property owners on October 7, 2001 and published in the Rapid City

Journal on October 29, 2001. No oral or written comments were submitted. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
SIDEWALK IMPROVEMENTS PROJECT SWK01-1096

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the sidewalk improvement project is the amount stated in the proposed assessment roll.
2. The assessment roll for Sidewalk Improvements Project SWK01-1096 is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in five annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 5th day of November, 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Johnson. The following voted AYE; Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor announced the meeting was open for consideration of No. CC110501-04, a Resolution of Necessity for **Block 23 Alley Paving Project** ST01-1122. Notices were mailed to affected property owners on October 3, 2001 and published in the Rapid City Journal on October 6 and October 13, 2001. No oral or written comments were submitted. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION OF NECESSITY FOR
BLOCK 23 ALLEY PAVING (BOULEVARD ADDITION) PROJECT ST01-1122

BE IT RESOLVED by the City of Rapid City, as follows:

The City Council hereby declares the necessity of paving approximately 465 linear feet of alley as located in Block 23 of the Boulevard Addition.

The general nature of the project is set forth above, and reference for detail is hereby made to the drawings and specifications that will be prepared by the Engineering Department and placed on file with the City Finance Officer.

The estimated assessed costs of the project are \$19,000 of which 60% (\$12,600) will be assessed to the benefiting properties on the basis of equal benefit.

The recorded ownership and estimated costs for the properties are listed below.

These estimated assessed costs include six percent (6%) engineering fees and five percent (5%) fiscal fees. Interim construction fees to be determined by the Finance Officer shall be included in the project costs, which will be assessed to the benefiting properties.

The recorded owners of the affected properties are as follows:

| | | |
|---|---|---------|
| Rex & Cindy Hagg 1130 Regency Court Rapid City, SD 57701 | Boulevard Addition Block 23 Lots 1-3 | \$1,050 |
| Glenn W. & Douglas H. Swift 1007 Ninth Street Rapid City, SD 57701 | Boulevard Addition Block 23 Lots 4-5 | \$1,050 |
| B.E. Crawford & Barbara A. Pepino 912 Fulton Street Rapid City, SD 57701 | Boulevard Addition Block 23 W65' of Lots 6-8 | \$1,050 |
| Allan D. Mathis & Tammy L. Minnich-Mathis 918 Fulton Street Rapid City, SD 57701 | Boulevard Addition Block 23 Lots 9-10 | \$1,050 |
| Thomas A. & Linda M. Renner 920 Fulton Street Rapid City, SD 57701 | Boulevard Addition Block 23 Lots 11-12 | \$1,050 |
| Holly A. & Greg M. Anderson 924 Fulton Street Rapid City, SD 57701 | Boulevard Addition Block 23 Lots 13-14 | \$1,050 |
| Ethane R. & Becky E. Reed 1012 West Boulevard Rapid City, SD 57701 | Boulevard Addition Block 23 N. 50' of Lots 15-18 | \$1,050 |
| Marshall & Edwina Conkllin 1000 West Boulevard Rapid City, SD 57701 | Boulevard Addition Block 23 Lot 19 & Part of Lots 20-21 | \$1,050 |
| Richard & Rochelle Watson 923 South Street Rapid City, SD 57701 | Boulevard Addition Block 23 Lots 21-22 of the Resub. of Lots 20-23 | \$1,050 |
| Ardeth Hinzman 921 South Street Rapid City, SD 57701 | Boulevard Addition Block 23 Lots 22-25 | \$1,050 |
| Daniel J. Rueschoff 919 South Street Rapid City, SD 57701 | Boulevard Addition Block 23 Lots 24-27 | \$1,050 |

Marne C. Thomas
915 South Street
Rapid City, SD 57701

Boulevard Addition
Block 23
Part of Lots 26-27
And all of Lot 28

\$1,050

The method of apportionment is as follows:

- The above affected property owners will be assessed 60% of the cost of the street improvements on an "equal benefit" basis. The total assessed cost is estimated to be \$12,600.

The above-described project shall hereinafter be referred to as the Block 23 Alley Paving (Boulevard Addition) Project ST01-1122, which shall be deemed a description of the project as hereinafter set forth.

Dated this 5th day of November, 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

THE CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Steinburg. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

Planning Department – Consent Items

Motion was made by Kroeger, seconded by Hadley and carried to approve the following items in accordance with the recommendation contained in the Council Packet:

67. No. 00PL127 - A request by Dream Design, Inc. for Doyle Estes for a **Preliminary & Final Plat** on Tract B of Neff's Subdivision No. 4 located in the unplatted portion of the S1/2 NW1/4 SW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Race Track Road and Elk Vale Road. (CONTINUE TO NOVEMBER 19, 2001)
68. No. 01PL009 - A request by James Letner for a **Final Plat** on Lots 1 and 2 and dedicated ROW of Debra Subdivision, (formerly Lots B & C of Lot 2 of OutLot 2 of the SE1/4 of the SW1/4 of Section 4, T1N, R7E, BHM and a portion of Debra Drive ROW) located in the SE1/4 of the SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Clifton Street and Debra Drive. (CONTINUE TO NOVEMBER 19, 2001)
69. No. 01PL052 - A request by Ron & MaryAnn Davis for a **Preliminary Plat** on Lots 1 thru 18 of Buffalo Ridge Subdivision formerly: unplatted all located in NW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Uranus Street. (CONTINUE TO NOVEMBER 19, 2001)
70. No. 01PL054 - A request by Dream Design, Inc. for Big Sky LLC for a **Final Plat** on Lots 1 and 2 of Block 13; Lots 2-5 of Block 14, and Dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 and NE1/4 NW/14 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in

Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, located at the northern terminus of DeGeest Street. (CONTINUE TO NOVEMBER 19, 2001)

71. No. 01PL064 - A request by FMG, Inc. for Robbins & Stearns for a **Layout, Preliminary and Final Plat** on Lot 1 and Lot 2 of Bies Subdivision formerly the unplatted balance of the SE1/4 of the NE1/4 of Section 18 located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of S. Highway 79, north of Minnesota Street. (CONTINUE TO DECEMBER 3, 2001)
72. No. 01PL079 - A request by Ferber Engineering Company for a **Preliminary and Final Plat** on Lot 1 and Lot 2 of Lowe's Subdivision formerly Tract CR and Tract 1 of Martley Subdivision located in the NW1/4 of the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on the east side of Haines Avenue between Mall Drive and Disk Drive. (CONTINUE TO NOVEMBER 19, 2001)
73. No. 01PL088 - A request by Ron & Mary Ann Davis for a **Final Plat** on Lots 1 thru 18 of Buffalo Ridge Subdivision formerly: unplatted all located in: NW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located 800 feet south of the intersection of Twilight Drive and Reservoir Road. (CONTINUE TO NOVEMBER 19, 2001)
74. No. 01PL089 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots 7-9, Block 4; Lots 13-23, Block 6, Lot 6, Block 7; Lots 1-11, Block 8; Lots 1-2, Block 9 of Big Sky Subdivision and dedicated South Pitch Drive, Aurora Drive, Carl Avenue and major drainage easements located in NE1/4SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at the current northern terminus of South Pitch Drive. (CONTINUE TO NOVEMBER 19, 2001)
75. No. 01PL095 - A request by Ferber Engineering Company for a **Preliminary and Final Plat** on Lots 7R and 8R of The Flannery Subdivision No. 2 formerly Lots 7, 8 and 9 of The Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Ireland Place south of Corral Drive. (CONTINUE TO NOVEMBER 19, 2001)
76. No. 01PL096 - A request by Gary Rasmusson for a **Final Plat** on Lots 31R through 35R, and Lots 40 through 42, of Block 11, and Lots 1R through 4R, and Lot 26 of Block 13, Robbinsdale Addition No. 8 (formerly Lots 31 through 35, and Lot 36 Rev. of Block 11, and Lots 1 through 4 of Block 13, of Robbinsdale Addition No. 8) Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Sitka Street and Hemlock Street. (CONTINUE TO NOVEMBER 19, 2001)
77. No. 01PL097 - A request by Dream Design International for a **Preliminary and Final Plat** on Tract A and dedicated streets, Big Sky Subdivision - Phase VII located in the SE1/4 NW1/4 and the NE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; excepting Lot 1, Block 13 and Lot 1, Block 14 of Big Sky Subdivision and dedicated public rights of way (Big Sky Drive and Degeest Street), as shown on the plat filed in Plat Book 29, Page 154, also excepting Lots 1 and 2, Block 13 and Lots 2, 3, 4 and 5, Block 14 and dedicated public rights of way (Degeest St., Buddy Ct. and Homestead Ave.), located at the intersection of Degeest Street and Homestead Avenue. (CONTINUE TO NOVEMBER 19, 2001)
78. No. 01PL099 - A request by Doug Sperlich for Walgar Development Corp for a **Layout, Preliminary and Final Plat** on Lot 1 of Block 1, Terracita Park Subdivision,

and Minnesota Street Right-of-Way (formerly a portion of the SW1/4 of the NW1/4 of the SE1/4 of Section 13) located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Fifth Street and Minnesota Street. (APPROVE the Layout and Preliminary Plat with the following conditions and continue the Final Plat until November 19, 2001: 1) Prior to Preliminary Plat approval by the City Council, the applicant shall submit corrections to the engineering plans for review and submittal; 2) Prior to Preliminary Plat approval by the City Council, the applicant shall identify a non-access easement along the entire frontage of 5th Street and eastern 175 feet of the Minnesota Street frontage; 3) Prior to Final Plat approval by the City Council, the applicant shall identify a ten foot sewer easement along the Fifth Street frontage; 4) Prior to Final Plat approval by the City Council, the subdivision improvement estimate form shall be submitted for review and approval and the subdivision inspection fees shall be paid; 5) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted, and 6) Prior to any construction, revised engineering plans shall be submitted substantiating that there is adequate easement being provided along Fifth Street to install and maintain all utilities, including but not limited to sewer, gas, power, telephone, and their necessary appurtenances as well as street lights, bike path, space for future signalization pole location, and handicap access ramps.)

- 79. No. 01PL101 – Approve the request by Ferber Engineering Company for a **Layout, Preliminary and Final Plat**, located south of Homestead Street and east of Consec Finance.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 3 of Block 1 Rushmore Business Park, located in the S1/2 of the NE1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lot 3 of Block 1 Rushmore Business Park, located in the S1/2 of the NE1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 5th day of November, 2001.

ATTEST: CITY OF RAPID CITY
s/ James F. Preston s/ Jerry Munson, Mayor
Finance Officer
(SEAL)

- 80. No. 01PL102 - A request by Alliance of Architects for American West Communities for a **Layout Plat** on S1/2 of the NE1/4 and the SE1/4 except Bradeen Subdivision of Section 22 and NE1/4 Section 27, T1N, R8E, BHM, Pennington County, South

Dakota, located at the intersection of Reservoir Road and South Side Drive. (CONTINUE TO NOVEMBER 19, 2001)

- 81. No. 01PL103 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Enchanted Pines Drive. (CONTINUE TO NOVEMBER 19, 2001)
- 82. No. 01PL104 - A request by Paul and Sandra Thielen for a **Layout Plat** on Lots 1 and 2 of Lot 9 of Block 10 of Mountain View Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2216 Cerro Court. (ACKNOWLEDGE WITHDRAWAL BY APPLICANT)
- 83. No. 01PL107 – Approve the request by FMG, Inc. for Hart Ranch Development Co. for a **Preliminary and Final Plat** located at the intersection of Mulligan Mile and Hacker Loop.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots A and B of Lot 29 located in Village on the Green No. 2 Subdivision, a portion of previously platted Spiken Ridge Parcel and Golf Course Parcel of Hart Ranch Development, located in SE1/4 SW1/4 and in SW1/4 SE1/4 of Section 12, and in NW1/4 NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots A and B of Lot 29 located in Village on the Green No. 2 Subdivision, a portion of previously platted Spiken Ridge Parcel and Golf Course Parcel of Hart Ranch Development, located in SE1/4 SW1/4 and in SW1/4 SE1/4 of Section 12, and in NW1/4 NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 5th day of November, 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 85. No. 01PL109 – Approve the request by Doug Sperlich for Gary Rasmusson for a **Preliminary and Final Plat** located on Hogan Court:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 10R and Lot 11R of Block 2 Country Club Heights No. 2 (formerly Lot 10 and Lot 11 of Block 2, Country Club Heights No. 2) located in the

SE1/4 of the SE1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lot 10R and Lot 11R of Block 2 Country Club Heights No. 2 (formerly Lot 10 and Lot 11 of Block 2, Country Club Heights No. 2) located in the SE1/4 of the SE1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 5th day of November, 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

End of Planning Consent Calendar

The Mayor presented No. 01PL108, a request by Ferber Engineering for Raymond J. Crawford III for a **Preliminary and Final Plat** located at 23435 Sand Lane. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 4R of High Sheridan Ranch Subdivision, formerly Lots 4 & 5 of High Sheridan Ranch Subdivision located in Section 35, T1N, R6E, BHM, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 4R of High Sheridan Ranch Subdivision, formerly Lots 4 & 5 of High Sheridan Ranch Subdivision located in Section 35, T1N, R6E, BHM, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 5th day of November, 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hanks. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 01PL105, a request by Doug Sperlich for Skyline Pines Development for a **Final Plat** on Lots 1-7, Block 1, Skyline Pines Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Skyline Drive west of Skyview North Subdivision. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until November 19, 2001.

The Mayor presented No. 01PL106, a request by Doug Sperlich for Skyline Pines Development for a **Final Plat** on Lots 15 and 16 of Block 3 of Skyline Pines Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Pevans Parkway. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until November 19, 2001.

The Mayor presented No. 01PL084, a request by Richard O. Stahl for a **Preliminary and Final Plat** on Lots 1-5 of Stahl Victorian Addition (formerly Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition) of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until November 19, 2001.

Planning Department – Hearings

The Mayor presented No. 01CA031, a request by Theresa Bennington for an **Amendment to the Comprehensive Plan revising the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on a 37.20 acre parcel from General Commercial to Heavy Industrial** on NW1/4 SE1/4 SW1/4 Section 32, T2N, R8E; east 613 feet of the north 511 feet of the SW1/4 SW1/4 Section 32, T2N, R8E; E1/2 SE1/4 SW1/4 Section 32, T2N, R8E all located in BHM, Pennington County, South Dakota, located at the western terminus of East Philadelphia Street. Motion was made by Kroeger to approve the requested amendment for the 17.20 acres as described in the following Resolution and deny without prejudice the request to change the future land use designation from General Commercial Land Use to Heavy Industrial Land Use on the 20 acre parcel legally described as E1/2 SE1/4 SW1/4 Section 32, T2N, R8E.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 5th day of November, 2001 to consider an amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on a 17.20 acre parcel from General Commercial to Heavy Industrial, and good cause appearing therefor

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 5th day of November, 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion to approve the foregoing Resolution was seconded by Steinburg. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 01CA032, a request by Wyss Associates for W.E.B. Partners for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.202 acre parcel from Office Commercial to General Commercial** on property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until November 19, 2001.

The Mayor presented No. 01PD045, a request by Dream Design International, Inc. for a **Planned Residential Development - Initial and Final Development Plan** on SE1/4 SE1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located at the northwest corner of the intersection of Country Road and Nike Road. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until November 19, 2001.

The Mayor presented No. 01PD047, a request by Richard O. Stahl for a **Planned Residential Development - Final Development Plan** on Lots 1-5 of Stahl Victorian Addition (formerly Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition) of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until November 19, 2001.

The Mayor presented No. 01PD049, a request by Thurston Design Group for Regional Senior Care for a **Major Amendment to a Planned Residential Development to increase the density and allow a nursing home** on Lot B of Fairelm Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 417 East Fairlane Drive. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until November 19, 2001.

The Mayor presented No. 01PD050, a request by Ozark Civil Engineering for Lowe's Companies Inc. for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 1 and 2 of Lowe's Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Haines Avenue and Mall Drive. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until November 19, 2001.

The Mayor presented No. 01PD052, a request by Dream Design International, Inc. for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Enchanted Pines Drive. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until November 19, 2001.

The Mayor presented No. 01PD053, a request by Rosenbaum's Signs for a **Major Amendment to a Planned Commercial Development** on Lots 12 through 18 of Block 17 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Flormann Street and 7th Street. Motion was made by Kroeger, seconded by Steinburg and carried to approve the requested Amendment,

with the following stipulations: 1) All previous conditions of approval for the Final Commercial Development Plan No. 00PD069 shall be continually met with the exception of stipulation No. 13 regarding the previously approved sign package; and, 2) The sign package shall be revised to allow three 2 foot 10 inch X 48 foot 11 inch non-illuminated pole mounted directional signs to be located in the northwest corner and southwest corner of the subject property and adjacent to the northeast corner of the proposed structure, respectively. In addition, a 5 foot 2 inch X 7 foot internally lit ground shall be allowed at the entrance of the property along Flormann Street. Two non-illuminated wall mounted signs measuring 12 inch X 30 foot 6 inch and a 12 inch X 3 foot, respectively, shall also be allowed along the north side of the proposed structure. In addition, three 8 inch X 18 inch "open/closed lane" signs and one 8 inch X 48 inch "clearance sign" shall be allowed in the three drive thru lanes.

The Mayor presented No. 01SV025, a request by Ron & Mary Ann Davis for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk, street light conduit, water and sewer for Reservoir Road** on Lots 1 thru 18 of Buffalo Ridge Subdivision formerly: unplatted all located in: NW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located 800 feet south of the intersection of Twilight Drive and Reservoir Road. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until November 19, 2001.

The Mayor presented No. 01SV026, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement for water, sewer, paving, curb, gutter, sidewalks, and street light conduit and to allow lots more than twice as long as they are wide** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Enchanted Pines Drive. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until November 19, 2001.

The Mayor presented No. 01SV027, a request by FMG, Inc. for Hart Ranch Development Co. for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street** on Lot A of Lot 29 and Lot B of Lot 29 of Village on the Green No. 2, Sections 12 and 13, T1S, R7E, BHM, Pennington County, South Dakota, located at the intersection of Mulligan Mile and Hacker Loop. Motion was made by Kroeger, seconded by Waugh and carried to approve the requested Variance.

The Mayor presented No. 01SV028, a request by Ferber Engineering for Raymond J. Crawford III for a **Variance to the Subdivision Regulations to waive the requirement for pavement, curb and gutter, sidewalks, lighting conduit, and dry sewer** on Lot 4R, High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, located at 23435 Sand Lane. Motion was made by Kroeger, seconded by Waugh and carried to approve the Variance.

The Mayor presented No. 01SV029, a request by Doug Sperlich for Gary Rasmusson for a **Variance to the Subdivision Regulations to allow a lot more than twice as long as it is wide** on Lots 10R and 11R of Block 2 of Country Club Heights No. 2, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Hogan Court. Motion was made by Kroeger, seconded by Waugh and carried to approve the Variance.

The Mayor presented No. 01UR032, a request by Dream Design International, Inc. for a **Use On Review to allow a utility substation in the Low Density Residential Zoning District** on the NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the current northern terminus of Muirfield Drive. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until November 19, 2001.

The Mayor presented No. 01UR037, a request by Anne Devlin for a **Use On Review for a Child Care Center** on Lot 2 less W250', Nicholl's Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1241 E. St. Joseph Street. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until December 3, 2001.

The Mayor presented No. 01UR050, a request by FMG Engineering for Northwestern Engineering for a **Major Amendment to a Use On Review to allow for the expansion of a mobile home park in the Medium Density Residential District** on Lots 1 and 2 of Meadowlark Hills Subdivision and unplatted land located in SE1/4 of the NE1/4 all located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of East North Street, east of LaCrosse Street. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until November 19, 2001.

The Mayor presented No. 01UR053, a request by M & K Consulting for Western Wireless Corp. for a **Use On Review to allow a communication tower in the Light Industrial Zoning District** on Lot 1, MDU Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 710 Steele Avenue. Motion was made by Kroeger, seconded by Waugh and carried to approve the Use on Review, with the following stipulations: 1) Prior to issuance of a Building Permit, a Floodplain Development Permit shall be obtained; 2) A Building Permit shall be obtained prior to any construction; 3) Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval; 4) A Certificate of Completion shall be obtained prior to any use of the tower; 5) The tower shall be designed to allow for the co-location of a minimum of two additional antennas (for a total of three antennae) except where the additional antennas would interfere or impact the applicant's proposed antenna(s); 6) The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority; 7) The tower shall remain unpainted allowing the galvanized steel color to show or the tower shall be painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority; 8) No commercial advertising signage shall be allowed on the tower; 9) Prior to City Council approval of the Use on Review, the petitioner shall submit a parking plan complying with all requirements of the Off-Street Parking Ordinance or obtain a variance waiving the Off-Street Parking requirements; 10) Prior to issuance of a Certificate of Completion, the petitioner shall either complete the parking lot improvements or post financial surety in the amount necessary to cover the cost of the improvements and then complete the improvements within one paving season; 11) The Use on Review shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council or if the use as approved has ceased for a period of two years; 12) Prior to City Council approval, if necessary a parking and circulation easement shall be recorded with the Pennington County Register of Deeds; and, 13) Prior to City Council approval, the applicant shall provide a revised site plan identifying the distance from the southwest corner of the communications tower to the northeast corner of the MDU office and warehouse building.

The Mayor presented No. 01UR054, a request by Rapid City Parks Department and the Rapid City Garden Club for a **Use On Review** to allow a sign and bench in the Flood Hazard Zoning District on Tract 25 less Lot H1, Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Omaha Street and Pressler Junction. Motion was made by Kroeger, seconded by Waugh and carried to approve the request with the following stipulations: 1) That the applicant shall accept responsibility for maintenance and replacement of the proposed structures in the event of damage, deterioration or removal due to the excavation for the maintenance of the sanitary sewer main; 2) That all requirements of the Sign Code shall be continually met; 3) A Sign Permit shall be obtained prior to erection of a sign; and, 4) Prior to City Council approval, the applicant shall provide a drawing of the proposed sign.

The Mayor presented No. 1641, a request by Dennis and Loretta Eisenbraun for a **Renewal of Use On Review to allow a Child Care Center** on Lot 5-6, Block 10, Nowlin & Wood Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 225 East Nowlin Street. Motion was made by Kroeger, seconded by Waugh and carried to approve the requested Use on Review, with the following stipulations: 1) That all requirements of the 1994 Uniform Building Code for an E-3 occupancy shall be continually met; 2) That all requirements of the Local and State Child Care regulations shall be continually met; 3) The maximum number of children permitted in the facility shall be 20; 4) That Section 17.50.150, Child Care Centers, of the Rapid City Municipal Code shall be continually met; 5) That the hours of the Day Care Center shall be 6:00 a.m. to 8:00 p.m.; 6) A maximum thirty-two square feet of sign face shall be allowed. Lighting of the signage shall be only by indirect illumination; 7) That the Use on Review be shall be subject to renewal on a complaint basis; and, 8) That the Use On Review approval shall expire if the use as approved has ceased for a period of two years.

Ordinances & Resolutions

The Mayor announced the meeting was open for hearing on No. 01RZ049, second reading of **Ordinance 3728**, a request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** on SE1/4 SE1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located at the northwest corner of the intersection of Country Road and Nike Road. Motion was made by Hadley, seconded by Murphy and carried to continue this item until November 19, 2001.

The Mayor announced the meeting was open for hearing on No. 01RZ054, second reading of **Ordinance 3738**, a request by Wyss Associates for W.E.B. Partners for a **Rezoning from Office Commercial District to General Commercial District** on the following property: beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Motion was made by Hadley, seconded by Murphy and carried to continue this item until November 19, 2001.

Ordinance 3741 (LF101001-11) entitled An Ordinance Amending Chapter 13.04 by Adding Section 13.04.095 and Amending Chapter 13.08 by Adding Section 13.08.365 of the Rapid City Municipal Code Pertaining to Supplemental Tap Fees, having passed the first reading on October 15, 2001, it was moved by Hadley and seconded by Hanks that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3741 was declared duly passed upon its second reading.

Ordinance 3742 (LF101001-07) entitled An Ordinance Authorizing the Issuance and Sale of \$7,620,000 Principal Amount of the City of Rapid City, South Dakota, Health Care Facilities Revenue Bond (The Evangelical Lutheran Good Samaritan Society Project), Series 2001; Ratifying Certain Actions Heretofore Taken, Authorizing the Execution and Delivery by the City of a Financing Agreement, Closing Documents and Such Bond in Connection Therewith; Approving the Form of Certain Ancillary Documents; and Repealing Any Action Heretofore Taken in Conflict Herewith, having passed the first reading on October 15, 2001, it was moved by Hadley and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3742 was declared duly passed upon its second reading.

Ordinance 3743 (No. 01OA016) entitled An Ordinance Amending Sections 17.50.050, 17.50.060, 17.50.070, 17.50.080, 17.50.090, 17.50.100, and 17.50.105 of Chapter 17.50 of the Rapid City Municipal Code to revise various requirements pertaining to Planned Developments including but not limited to: clarifying various notification requirements regarding Initial and Final Development Plan applications, eliminating the requirement to record approved Planned Developments with the Register of Deeds, further defining actions which trigger a Major or Minimal Amendment to an approved Planned Development, and eliminating the minimum size requirements for all types of Planned Developments, having passed the first reading on October 15, 2001, it was moved by Hadley and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3743 was declared duly passed upon its second reading.

Ordinance 3744 (No. 01OA018) entitled An Ordinance Amending Chapters 17.08, 17.10, 17.12, 17.14, 17.18, 17.20, 17.22, 17.24, 17.28, 17.30, 17.32, 17.34, 17.36, 17.38, 17.40, 17.42, 17.44, 17.46, 17.48 and 17.56 of the Rapid City Municipal Code by establishing new subsections pertaining to required building setbacks from section lines in the Park Forest, Low Density Residential –1, Medium Density Residential, High Density Residential, General Commercial, Neighborhood Commercial, Light Industrial, Heavy Industrial, Flood Hazard, Shopping Center – 1, Shopping Center –2, General Agricultural, Hotel-Motel, Mobile Home Residential, Office Commercial, Mining and Earth Extraction, Low Density Residential – 2, Public, Civic Center, and Business Park Zoning Districts having passed the first reading on October 15, 2001, it was moved by Hadley and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3744 was declared duly passed upon its second reading.

Ordinance 3745 (No. 01RZ056) a request by 3 T's Land Development for a **Rezoning from Low Density Residential District to Low Density Residential II District** on the following property, was introduced: Tract B of Minnesota Ridge Subdivision located in the NE1/4 of SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota less a portion of Tract B of Minnesota Ridge Subdivision located in the NE1/4 of SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the corner of Lot 2R of Block 28 of Robbinsdale Addition No. 10, common with the northeasterly corner of Lot 3 of Block 28 of Robbinsdale Addition No. 10, said point being an angle point along the northerly boundary of said Tract B of Minnesota Ridge Subdivision, and the Point of Beginning; Thence, first course: N73°18'54"E, along the boundary common to said Tract B of Minnesota Ridge Subdivision, and said Lot 2R of Block 28, a distance of 124.95 feet; Thence, second course: S45°40'57"E along the southerly boundary of said Lot 2R of Block 28, common with the northerly boundary of said Tract B of Minnesota Ridge Subdivision, a distance of 20.56 feet; Thence, third course: N44°19'03"E, along the southerly boundary common to said Lot 2R of Block 28, and the northerly boundary of said Tract B of Minnesota Ridge Subdivision, a distance of 176.61 feet, to a point on the westerly boundary of Lot 1R of Block 17, Robbinsdale Addition No.10. Said point is a corner common to said Lot 2R of Block 28, and said Tract B of Minnesota Ridge Subdivision; Thence, fourth course: S36°33'28"E, along the boundary common to said Tract B of Minnesota Ridge Subdivision, and said Lot 1R of Block 17, a distance of 10.96 feet; Thence, fifth course: S44°19'03"W, a distance of 200.76 feet; Thence, sixth course: S73°18'54"W, a distance of 149.18 feet to a point on the boundary common to said Lot 3 of Block 28, and said Tract B of Minnesota Ridge Subdivision; Thence, seventh course: N21°40'47"E, along the boundary common to said Lot 3 of Block 28, and said Tract B of Minnesota Ridge Subdivision, a distance of 51.02 feet to the corner common to said Lot 3 of Block 28, and said Lot 2R of Block 28, and said Tract B of Minnesota Ridge Subdivision and the Point of Beginning, located west of 5th Street north of Minnesota Street. Upon motion made by

Hadley, seconded by Waugh and carried, Ordinance 3745 was placed upon its first reading and the title was fully and distinctly read, and second reading set for November 19, 2001.

The Mayor presented No. 01RZ057, second reading of **Ordinance 3746**, a request by Dream Design International, Inc. for a Rezoning from General Agriculture District to Low Density Residential District on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Enchanted Pines Drive. Motion was made by Hadley, seconded by Rodriguez and carried to continue this item until November 19, 2001.

Ordinance 3747 (No. LF101001-09) entitled An Ordinance Amending Sections 15.28.100, 15.28.110, and 15.28.120 of Chapter 15.28 of the Rapid City Municipal Code, Relating to the Enforcement of the Sign Code, Removal of Signs, and Decisions of the Sign Code Board of Appeals, having passed the first reading on October 15, 2001, it was moved by Hadley and seconded by Dreyer that the title be read the second time. Mike Derby distributed a letter to the Council outlining concerns he has with the proposed ordinance and how it addresses decisions of the Sign Code Board of Appeals. His main concern is the language which states that decisions of this Board will be final and can only be appealed to the court system. Derby stated that he feels this language usurps the ability of the City Council to help businesses and to spur economic development. Kriebel stated that he feels there should be a clause that will allow appeals to the City Council. Hanks expressed concern about the City Council overseeing the Sign Code Board of Appeals. He felt that every appeal denied by the Sign Code Board would appear before the Council. Substitute motion was made by Hanks and seconded by Steinburg to continue the second reading of this ordinance for two weeks and direct staff to work on language that would allow an appeal to the City Council. This will give the Council an opportunity to review this issue. Johnson stated that he feels this issue should be left up to the professionals in this business. Kelly Farrar from Rosenbaum Signs stated that he would be more comfortable with the rulings of this Board if they were professionals and understood the laws and rules they should be using. For this reason, he feels there should be a provision that would allow an appeal to the City Council. Second substitute motion was made by Hadley and seconded by Rodriguez to deny second reading of the ordinance. It was noted that if this ordinance is denied, there will not be an appeal to the Council. Hadley withdrew his second substitute motion. Second substitute motion was made by Rodriguez and seconded by Hanks to approve second reading of the ordinance with the removal of the last two sentences on Page 3. Kriebel stated that the proposed changes to the ordinance before the Council at this time will not provide for an appeal process to the City Council. Asst. City Attorney Altman recommended that if the Council wants to start accepting appeals from the Sign Board, legal staff should draft an appropriate procedure. This can then be brought to the Council for consideration. Rodriguez withdrew her substitute motion. Question was called and there were no objections. Upon vote being taken, the substitute motion to continue for two weeks carried unanimously.

Ordinance 3748, (No. LF103101-11) Regarding Supplemental Appropriation No. 9 for 2001, was introduced. Motion was made by Hadley and seconded by Murphy to approve first reading of Ordinance 3748 and set second reading for November 19, 2001. Johnson stated that this ordinance contains appropriations from the 2012 Fund which have not been discussed by the 2012 Committee. Roll call vote was taken: AYE: Waugh, Steinburg, Dreyer, Rodriguez, Murphy, Hadley; NO: Kriebel, Kroeger, Hanks and Johnson. Motion carried, 6-4.

Ordinance 3749, (No. 01RZ058) a request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on Tract A, Meadow View Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Highway 16 and Catron Boulevard, was introduced. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3749 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was

authorized and directed to publish notice of hearing thereon, said hearing to be Monday, November 19, 2001.

Ordinance 3750, (No. 01RZ059) a request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on that portion of SE1/4 NW1/4 NW1/4 lying east of U.S. Highway 16 less right-of-way and the 40 foot wide Tucker Street right-of-way all located within Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Highway 16 and Catron Boulevard, was introduced. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3750 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, November 19, 2001.

Ordinance 3751 (No. 01RZ060), a request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on Lot A of Tucker Subdivision and Tract AR2 of Needles Subdivision all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Highway 16 and Catron Boulevard, was introduced. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3751 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, November 19, 2001.

Ordinance 3752 (No. 01RZ061), a request by 3 T's Land Development for a **Rezoning from Office Commercial District to Low Density Residential II District** on the following property, was introduced: A portion of Tract B of Minnesota Ridge Subdivision located in the NE1/4 of SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the corner of Lot 2R of Block 28 of Robbinsdale Addition No. 10, common with the northeasterly corner of Lot 3 of Block 28 of Robbinsdale Addition No. 10, said point being an angle point along the northerly boundary of said Tract B of Minnesota Ridge Subdivision, and the Point of Beginning; Thence, first course: N73°18'54"E, along the boundary common to said Tract B of Minnesota Ridge Subdivision, and said Lot 2R of Block 28, a distance of 124.95 feet; Thence, second course: S45°40'57"E along the southerly boundary of said Lot 2R of Block 28, common with the northerly boundary of said Tract B of Minnesota Ridge Subdivision, a distance of 20.56 feet; Thence, third course: N44°19'03"E, along the southerly boundary common to said Lot 2R of Block 28, and the northerly boundary of said Tract B of Minnesota Ridge Subdivision, a distance of 176.61 feet, to a point on the westerly boundary of Lot 1R of Block 17, Robbinsdale Addition No.10. Said point is a corner common to said Lot 2R of Block 28, and said Tract B of Minnesota Ridge Subdivision; Thence, fourth course: S36°33'28"E, along the boundary common to said Tract B of Minnesota Ridge Subdivision, and said Lot 1R of Block 17, a distance of 10.96 feet; Thence, fifth course: S44°19'03"W, a distance of 200.76 feet; Thence, sixth course: S73°18'54"W, a distance of 149.18 feet to a point on the boundary common to said Lot 3 of Block 28, and said Tract B of Minnesota Ridge Subdivision; Thence, seventh course: N21°40'47"E, along the boundary common to said Lot 3 of Block 28, and said Tract B of Minnesota Ridge Subdivision, a distance of 51.02 feet to the corner common to said Lot 3 of Block 28, and said Lot 2R of Block 28, and said Tract B of Minnesota Ridge Subdivision and the Point of Beginning. Said Parcel contains 7,790 square feet or 0.179 acres more or less, located west of 5th Street north of Minnesota Street. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3752 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, November 19, 2001.

Ordinance 3753 (No. 01OA019) entitled An Ordinance Amending Chapter 17.50 by Adding Section 17.50.335; Amending Section 12.20.30 of Chapter 12.20; Amending Section 15.40.080 of Chapter 15.40; Amending Sections 17.50,230, 17.50.250 (F) (2), 17.50.280 and

17.50.300 of Chapter 17.50 of the Rapid City Municipal Code Pertaining to Sight Triangles, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3753 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 19, 2001.

Ordinance 3754 (No. 010A020) entitled An Ordinance Amending Section 17.22.030 of Chapter 17.22 of the Rapid City Municipal Code by Adding a New Subsection 17.22.030 (K) Allowing Wind Energy Conversion Systems in Uses Permitted on Review, was introduced. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3754 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 19, 2001.

Ordinance 3755 (No. 010A021) entitled An Ordinance Amending Chapter 17.18.020 of the Rapid City Municipal Code to Allow Outdoor Firewood Storage and Sales Lot as a Use On Review in the General Commercial Zoning District, was introduced. Motion was made by Hadley and seconded by Hanks to deny this ordinance without prejudice. Kriebel and Johnson stated that the use on review procedure is thorough and could handle the issues that come up on different commercial properties throughout the community. Bill Lass from the Planning Department noted that the ordinance contains a prohibition from using power equipment in connection with this use in the commercial district. Roll call vote was taken: AYE: Waugh, Steinburg, Kroeger, Hanks and Murphy; NO: Kriebel, Dreyer, Rodriguez, Hadley and Johnson. Motion failed because of the 5-5 vote. Motion was made by Hadley and seconded by Johnson to approve first reading of Ordinance 3755 and set reading for November 19, 2001. Roll call vote was taken: Kriebel, Waugh, Stienburg, Dreyer, Rodriguez, Murphy, Hadley and Johnson; NO: Kroeger and Hanks. Motion carried, 8-2.

Ordinance 3756 (LF103101-16) entitled An Ordinance Amending Section 15.48.110 of Chapter 15.48 of the Rapid City Municipal Code By Revising Certain Requirements Pertaining to Access Roads Within Mobile Home Parks, was introduced. Upon motion made by Hadley, seconded by Hanks and carried, Ordinance 3756 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 19, 2001.

Legal & Finance Committee Items

The next item before the Council was No. 01TI004 - **Resolution Creating Tax Increment District No. 32**. The following resolution was introduced, read and Hadley moved its adoption:

A RESOLUTION CREATING TAX INCREMENT DISTRICT NUMBER THIRTY-TWO CITY OF RAPID CITY

WHEREAS the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and,

WHEREAS the Council of the City of Rapid City finds that the aggregated assessed value of taxable property in this District, plus the assessed values of all other districts currently in effect, does not exceed ten percent (10%) of the total assessed value of taxable property in the City of Rapid City; and,

WHEREAS the Council finds that:

- (1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined in SDCL 11-9-9 through 11-9-11; and,

(2) The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in the district.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the real property legally described as:

Lots 1-11, Block 1, Lots 1-19, Block 2, Lots 1-3, Block 3, Lot 1, Block 4, Lot 1, Block 5, Outlot 1, and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, 2, 3A, 3B, 4A, and 4B, Block 6, Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4-16, Block 3, Lot 2 and Lot 3, Block 4, Lots 1-6, Block 7, Lots 1-3, Block 8, all in Red Rock Estates Phase 2, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Outlot A of Tract A, Countryside Sub, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Well Lot, and Balance of Picardi Ranch Road, and Balance of Tract 1 (Less Red Rock Estates and Less ROW), all in Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted E1/2 NW1/4 NE1/4 less Red Ridge Ranch and ROW, SW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates, less Red Rock Estate Phase 1A, and Less Row, E1/2 NW1/4 less Red Rock Estates and Less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Sub; N1/2 NE1/4 SW1/4 less Red Rock Estates & Less Countryside Sub; E1/2 NE1/4, and W1/2 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota;

is hereby designated as Tax Increment District Number Thirty-two, City of Rapid City.

DATED this 5th day of November 2001.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. Kriebel expressed concern about the payback for the tax increment district and the affect it would have on the school district. As a result of state legislation, city residents will have to pay for the School district levy on property within this TID. The developer will also pay the levied amount, therefore these taxes are "collected twice". There was lengthy discussion on the proposed development schedule and the time frame for paying off the district. Johnson also asked what projects that would be done with the public funds in this project. Public Works Director Dan Bjerke stated that there are three infrastructure components in the plan: 1) ground reservoir storage facility (historically paid for with user rates in the enterprise fund); 2) water booster station, including design (the developer typically pays their share for this component-\$100,000 for this project); and 3) regional storm water detention facility (funded from CIP drainage funds). He added that Red Rocks Developers have put money into the detention facility that is located in the southerly portion of their development and there will be a future detention dam that will be built up another drainage to the west. Johnson asked if the district doesn't generate adequate revenue to pay for the projects, who is responsible to retire the remaining debt. Bjerke stated that for the two water components, the water enterprise fund would retire the debt. On the booster station, a connection fee will be charged to recover a portion of these costs. Any shortfall for this component would also be paid by water rate payers. Johnson stated that in reviewing the Project Plan, he is not comfortable that the project will be able to pay all the costs associated with the district. Karen Bulman from the Planning Department explained the procedure she used to figure the development schedule

and payback schedule for the tax increment district. The figures that were used were very conservative. Hanks noted that a large majority of this TIF will go to enhance the City's water distribution system. Bjerke concurred noting that it will serve an area much larger than the proposed Red Rocks development. By using TID financing, the water rates will stay lower because the project will be paid from another source. Lengthy discussion continued on the ability of the district to repay the costs, and how it will affect the taxpayers of the Rapid City School District. Hadley withdrew his motion to approve. Motion was made by Hanks and seconded by Murphy to approve the Resolution. Steinburg called the question and there were no objections. Roll call vote was taken: AYE: Waugh, Kroeger, Hanks, Dreyer, Rodriguez and Murphy; NO: Kriebel, Steinburg, Hadley and Johnson. Motion to approve carried, 6-4.

The next item before the Council was No. 01TI005, **Tax Increment District No. 32 Project Plan** for the following property: Lots 1-11, Block 1, Lots 1-19, Block 2, Lots 1-3, Block 3, Lot 1, Block 4, Lot 1, Block 5, Outlot 1, and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, 2, 3A, 3B, 4A, and 4B, Block 6, Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4-16, Block 3, Lot 2 and Lot 3, Block 4, Lots 1-6, Block 7, Lots 1-3, Block 8, all in Red Rock Estates Phase 2, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Outlot A of Tract A, Countryside Sub, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Well Lot, and Balance of Picardi Ranch Road, and Balance of Tract 1 (Less Red Rock Estates and Less ROW), all in Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted E1/2 NW1/4 NE1/4 less Red Ridge Ranch and ROW, SW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates, less Red Rock Estate Phase 1A, and Less Row, E1/2 NW1/4 less Red Rock Estates and Less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Sub; N1/2 NE1/4 SW1/4 less Red Rock Estates & Less Countryside Sub; E1/2 NE1/4, and W1/2 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Sheridan Lake Road and Muirfield Drive. The following Resolution was introduced, read and Murphy moved its adoption:

RESOLUTION APPROVING THE PROJECT PLAN FOR
TAX INCREMENT DISTRICT NUMBER THIRTY-TWO
AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and,

WHEREAS the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and,

WHEREAS there has been established Tax Increment District Number Thirty-two; and,

WHEREAS the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and,

WHEREAS the Project Plan submitted helps make this development feasible by assisting with the costs of additional water system improvements and necessary drainage improvements; and,

WHEREAS the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and,

WHEREAS there has been developed a Project Plan for this Tax Increment District which proposes these improvements; and,
WHEREAS the Council has determined that the Project Plan for Tax Increment District Thirty-two is economically feasible; and,

WHEREAS the Council has further determined that this Project Plan is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Project Plan for Tax Increment District Number Thirty-two be, and is hereby, approved as submitted by the Rapid City Planning Commission.

DATED this 5th day of November 2001

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hanks. Johnson requested that the Planning Department staff report the impact of this development on the rest of the property owners in the community every five years. Roll call vote was taken: AYE: Waugh, Kroeger, Hanks, Dreyer, Rodriguez and Murphy; NO: Kriebel, Steinburg, Hadley and Johnson. Motion carried, 6-4.

Motion was made by Hadley, seconded by Murphy and carried to award the bid for sale of the West 5' of Block 28, Airport Addition (**surplus property**) to Qusi Al-Haj, the only bidder, in the amount of \$700.

The next item before the Council was No. LF103101-12, a Resolution Amending the Plans for Projects and Programs to be Funded from the **Rapid City Economic Development and Civic Improvements Fund**. Motion was made by Hadley and seconded by Rodriguez to approve the Resolution. Substitute motion was made by Johnson, seconded by Steinburg and carried to refer this issue to the 2012 Committee for review and recommendation.

Motion was made by Hadley and seconded by Waugh to approve the following Recommendations of the **Subsidy Committee** and the Arts Subsidy Committee for FY2002 Funding (No. LF103101-13): A Cappella Showcase \$381; Allied Arts Fund Drive \$769; Art Resource Center \$1,810; BH Children's Theatre Troop \$2,816; Dakota Choral Union \$2,514; Heritage Festival \$251; Municipal Band \$13,072; Pioneer Museum \$2,000; Pow-Wow Association \$10,056; Ranger Marching Band \$9,000; Rapid City Arts Council \$18,000; Storybook Theatre \$12,821; Symphony Orchestra \$13,575; Big Brothers/Sisters \$5,000; Canyon Lake Senior Center \$14,000; CASA \$8,000; City Wide Halloween Party \$950; Community Care Center \$10,000; Community Health Center \$4,000; Elderly Meals (WSDSS) \$5,500; Habitat for Humanity \$4,460; Minneluzahan Senior Center \$21,500; Rural America Initiatives \$2,500; Salvation Army \$5,155; Senior Companions \$1,000; Working Against Violence \$5,000. Johnson spoke against the proposed allocation because the Allied Arts Group recommended no funding for the Journey Museum. Roll call vote was taken: AYE: Kriebel, Waugh, Kroeger, Hanks, Rodriguez and Hadley; NO: Steinburg, Dreyer, Murphy and Johnson. Motion carried, 6-4.

Public Works Committee Items

The next item before the Council was No. PW091201-12. Motion was made by Kroeger and seconded by Dreyer to authorize the Mayor and Finance Officer to sign an Agreement with

Skyline Pines Development Company L.L.C. to provide water service to development. Asst. City Attorney Adam Altman requested that this item be continued until the ordinance goes into effect. Kroeger withdrew the motion to approve. Motion was made by Johnson, seconded by Dreyer and carried to continue this item until December 3, 2001.

The next item before the Council was No. PW103101-13, funding of costs associated with moving the **traffic signal** from 5th/Meade to 5th/Indiana Street. Motion was made by Johnson, seconded by Steinburg and carried to refer this issue to the Capital Improvements Committee for review of the FY2002 budget.

Motion was made by Kroeger and seconded by Steinburg to table No. PW103101-16, the 2001-2002 Rapid City **Deer Herd Management** Program. Roll call vote was taken: AYE: Steinburg, Kroeger, Hadley and Johnson; NO: Kriebel, Waugh, Hanks, Dreyer, Rodriguez and Murphy. Motion failed, 4-6. Motion was made by Kriebel and seconded by Rodriguez to approve the 2001-2002 Herd Management Program. Mike Forrette spoke against implementing the current plan until some good science can be applied in a comprehensive program. He suggested that the City consider contraception and feeding sites in the hills to keep the deer from entering the city. Gale Holbrook and William Rasmusson spoke in favor of the program and urged the Council to continue it while looking for better ways to manage the herd. Johnson stated that he feels the State Game Fish & Parks Department should take care of this issue as outlined in state law. Lengthy discussion continued on this issue. Steinburg called the question and there were no objections. Roll call vote was taken: AYE: Kriebel, Waugh, Steinburg, Hanks, Dreyer, Rodriguez and Murphy; NO: Kroeger, Hadley and Johnson. Motion carried, 7-3.

Bills

The following bills having been audited, it was moved by Hadley, seconded by Rodriguez and carried to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof:

| | |
|---|-----------------------|
| Payroll Ending 10-20, Paid 10-26-01 | 520,159.27 |
| Payroll Ending 10-31, Paid 10-31-01 | 786,972.05 |
| Payroll Ending 10-20, Paid 10-26-01 | 3,561.02 |
| Pioneer Bank, 10-26 taxes, Paid 10-26-01 | 134,217.44 |
| Pioneer Bank, 10-31 taxes, Paid 10-31-01 | 206,808.37 |
| Pioneer Bank, 10-26 taxes, Paid 10-26-01 | 267.41 |
| First American Administrators, 10-15 claims, paid 10-17-01 | 88,598.53 |
| First American Administrators, 10-24 claims, paid 10-24-01 | 61,042.47 |
| First American Administrators, 10-29 Claims, Paid 10-31-0-1 | 60,615.50 |
| SD Dept. of Revenue, sales tax, Paid 10-17-01 | 16,854.91 |
| SD Dept. of Revenue, sales tax, Paid 10-19-01 | 3,257.90 |
| Scull Construction, Youth Boxing Facility | 29,214.10 |
| US Postmaster, postage | 1,500.00 |
| Computer Bill List | <u>2,812,861.68</u> |
| Subtotal | <u>\$4,725,930.65</u> |
| Payroll Ending 10-20, Paid 10-26-01 | 2,296.74 |
| Pioneer Bank, 10-26 taxes, Paid 10-26-01 | 170.76 |
| Carquest, repairs | 33.50 |
| City of Rapid City, postage | 16.37 |
| Dakota Business Center, copier usage | 28.28 |
| Great Western Tire, repairs | 141.95 |
| Marlin Leasing, copier lease | 22.06 |
| Sinclair Fleet Fueling, gasoline | 123.76 |
| SD School of Mines, telephone | 64.48 |

| | |
|---------------------------|-----------------|
| Cheryl Svarstad, mileage | <u>50.64</u> |
| Total | \$4,728,879.19 |
| <u>Treasurer's Checks</u> | |
| Stanley Johnsen Concrete | 4,156.07 |
| Mainline Contracting | <u>3,117.21</u> |
| Total | \$4,736,152.47 |

As there was no further business to come before the Council at this time, the meeting adjourned at 10:25.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)